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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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E*TRADE SAVINGS BANK; AND	:	
E*TRADE MORTGAGE CORPORATION,	:	
	:	
Plaintiffs,	:	CIVIL ACTION: 07-CV-8065 (LTS)
	:	(GWG)
-against-	:	
	:	<b>APPLICATION TO FILE AMENDED</b>
NATIONAL SETTLEMENT AGENCY, INC.;	:	<b>COMPLAINT</b>
FAST TRACK TITLE AGENCY LLC.;	:	
STEVEN M. LEFF; RACHEL M. LEFF; AND	:	
RICHARD A. LEFF,	:	
	:	
Defendants.	:	
-----	X	

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, plaintiffs E\*TRADE Savings Bank and E\*TRADE Mortgage Corporation (collectively "E\*TRADE") request leave to amend the Complaint in this action. The purpose for the amendment is to facilitate the entry of

default judgments against defendants National Settlement Agency, Inc. (“NSA”) and Steven M. Leff.<sup>1</sup>

As the Court is aware, defendants NSA and Steven M. Leff failed to file answers to E\*TRADE’s complaint in the allotted time, and E\*TRADE sought the entry of default judgments against these defendants. Because of certain issues with E\*TRADE’s original Complaint, the Court denied E\*TRADE’s request for the entry of default judgments, without prejudice. The Court identified issues with the Complaint which, if corrected, might allow the Court to grant E\*TRADE’s request for the entry of default judgments against these defendants. E\*TRADE’s proposed Amended Complaint, which is attached hereto as Exhibit A, addresses the issues raised by the Court by (1) specifying for each loan the amount of E\*TRADE’s loss; (2) making clear that the presence of defendant Fast Track Title Agency LLC does not destroy this Court’s diversity jurisdiction, based on the membership information supplied by Fast Track in its Supplemental Statement of Citizenship recently filed with the court; and (3) alleging E\*TRADE is entitled to prejudgment interest.

Rule 15(a) provides that leave to amend “shall be freely given when justice requires.” Accordingly, E\*TRADE respectfully requests that this Application to File Amended Complaint be granted.

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<sup>1</sup> E\*TRADE notes that defendant Fast Track Title Agency LLC has filed a Motion to Dismiss which currently is pending before the Court. In the event the Court ultimately grants that motion, either in whole or in part, E\*TRADE requests that it be given another opportunity to amend to cure any defects noted by the Court in its ruling on that motion.

Respectfully submitted,

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